



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Mericas**

Serial No.: **09/310,912**

Filed: **May 13, 1999**

**For: Method and System for Counting
Non-Speculative Events in a
Speculative Processor**

35525
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

§ Group Art Unit: **2191**

§

§ Examiner: **Chavis, John Q.**

§

§ Attorney Docket No.: **AT9-99-073**

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Certificate of Mailing Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on January 18, 2006.

By:

Dell Whitton
Dell Whitton

TRANSMITTAL DOCUMENT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ENCLOSED HEREWITH:

- Petition to Withdraw Holding of Abandonment;
- Affidavit of Dell Whitton, Paralegal;
- Copy of Case History Report;
- Copy of case file index; and
- Our return postcard.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

Duke W. Yee
Duke W. Yee
Registration No. 34,285
YEE & ASSOCIATES, P.C.
P.O. Box 802333
Dallas, Texas 75380
(972) 385-8777
ATTORNEY FOR APPLICANT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Mericas

Serial No.: 09/310,912

Filed: May 13, 1999

For: Method and System for Counting
Non-Speculative Events in a Speculative
Processor



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Group Art Unit: 2191

Examiner: Chavis, John Q.

Attorney Docket No.: AT9-99-073

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By: _____

Dell Whitton
Dell Whitton

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
OFFICE ACTION NOT RECEIVED

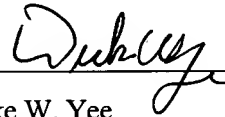
I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received. I hereby state: (a) the Office Action indicated on the Notice of Abandonment, as mailed on December 8, 2005, was not received; and (b) a search of the file jacket and the docket records in my office indicates that this Office Action was not received.

I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed. As additional evidence of non-receipt of the Office Action, I also attach a statement from the paralegal, Dell Whitton, who would have docketed the Office Action had it been received.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn, the Office Action as mailed on June 28, 2005, according to the USPTO Patent Application Information Retrieval system, be re-dated and mailed so that our office can respond in a timely manner.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,



Duke W. Yee
Reg. No. 34,285
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
972/385-8777
Attorney for Applicant



Case Tracking System Case History Report

Date: January 16, 2006

U.S. Patent Case

Case Number: **AT9-99-073**
Priority Case Number: (none)
Client: IBM Corporation - Austin

Status: **Pending**

Application Serial Number: 09/310,912

Filing Date: 5/13/1999

Application Type: Utility

Title: Method and System for Counting Non-Speculative Events in a Speculative Processor

Sr. Attorney Id: DWY

Primary Attorney Id: (none)

Administrator Id: KDD

Last Office Action (Final)

Date Mailed by PTO: 4/23/2002

Date Due: 5/23/2002

Date Sent: 6/4/2002

Date Recvd in PTO:

Last Date to File: 10/23/2002

Item	Due	Completed
File New Application-USA		5/13/1999
File Formal Drawings-USA	7/13/1999	7/6/1999
File IDS - Search done in USA	7/13/1999	6/15/1999
IDS Postcard Due-USA	8/15/1999	Received
Formal Drawings Postcard due-USA	9/6/1999	Received
Office Action Received-USA	8/28/2001	8/28/2001
Response Sent-USA	11/28/2001	11/27/2001
Office Action Postcard Due-USA	12/27/2001	Received
Office Action Received-USA	4/23/2002	4/23/2002
Final OA Response Sent-USA	5/23/2002	6/4/2002
Office Action Postcard Due-USA	7/4/2002	Received
Notice of Appeal Postcard due-USA	7/4/2002	Received
Notice of Appeal Due-USA	7/23/2002	6/4/2002
Appeal Brief Due-USA	8/5/2002	8/5/2002
Appeal Brief Postcard Due-USA	9/5/2002	Received
Reply Brief Due-USA	1/6/2003	12/18/2002
Reply Brief Postcard due-USA	1/18/2003	Received



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§ Group Art Unit: **2191**
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§ Examiner: **Chavis, John Q.**
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§ Attorney Docket No.: **AT9-99-073**
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AFFIDAVIT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Dell Whitton, being of sound mind and legal age, and fully aware of the punishable nature of making untrue statements as Affiant herein, do hereby attest to personal knowledge of the following:

I am employed by the law firm of Yee & Associates, P.C. (the "Firm"), as a Paralegal, in which capacity I personally receive all Notices of Allowance requiring issue fees to be paid on behalf of the Firm and IBM Corporation (the "Client").

On the mailing date of the Office Action in question, June 28, 2005, I was employed full time by the Firm and have no record of receipt of said Office Action. On December 14, 2005, the Firm received a Notice of Abandonment informing applicant that the application had become abandoned due to failure to timely pay the issue fee due.

When a Notice of Abandonment is received, I review the file and contact the Client to decide how to proceed. If the Client wishes to proceed with abandoning the case, I make a note to that and close out the case in our system. If the Client does not wish to proceed with abandoning the case, I proceed with the proper paperwork to withhold. The docketing system the Firm uses does not have a specific place to enter when a Notice of Abandonment is received, which is why it does not appear on the Case History Report attached hereto. The Notice of Abandonment is listed on the case index of the case file, as shown on the attached index for this particular case.

Sworn to and attested as follows at Dallas, Texas on Wednesday, January 18, 2006:

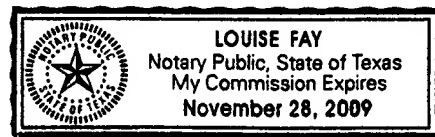
AFFIANT:

Dell Whitton
Dell Whitton

On this the 18th day of January, 2006, personally appeared before me Dell Whitton, to me known to be the person named in and who executed the above instrument, and acknowledged that she executed the same for the uses and purposes therein mentioned.

Louise Fay
Notary Public
My commission expires: Nov. 28 / 2009

(seal)



IBM CORPORATION
AT9-99-073

**METHOD AND SYSTEM FOR COUNTING NON-SPECULATIVE
EVENTS IN A SPECULATIVE PROCESSOR**

1.	PATENT APPLICATION	05/13/99
2.	FILING RECEIPT	05/13/99
3.	IDS	06/15/99
4.	LETTER TO OFFICIAL DRAFTSMAN	07/06/99
5.	NOTICE OF RECORDATION	07/21/99
6.	SUPPLEMENTAL IDS	03/16/00
7.	OFFICE ACTION	08/28/01
8.	RESPONSE TO OFFICE ACTION	11/27/01
9.	FINAL OFFICE ACTION	04/23/02
10.	NOTICE OF APPEAL	06/04/02
11.	APPEAL BRIEF	08/05/02
12.	EXAMINER'S ANSWER	11/05/02
13.	REPLY BRIEF	12/18/02
14.	PTO COMMUNICATION – REPLY BRIEF ENTERED	01/29/03
15.	BOARD OF PATENT APPEALS AND INTERFERENCES DOCKETING NOTICE	03/12/03
16.	SUPPLEMENTAL IDS	01/13/04
17.	PTO COMMUNICATION – ORDER REMANDING TO EXAMINER	02/25/04
18.	ADVISORY ACTION	08/11/04
19.	PTO COMMUNICATION – DOCKETING NOTICE	11/04/04
20.	DECISION ON APPEAL – REVERSED	02/25/05
21.	NOTICE OF ABANDONMENT	12/08/05